

Application No. 10/828,593
Page 12 of 13**Remarks**

This communication responds to the Office Action mailed November 15, 2005 for the application captioned above. By this amendment, claims 3-9 and 13 are amended, and claims 1, 2, 14-19, 37-47 are canceled, without prejudice or disclaimer of the subject matter therein. The following remarks are respectfully submitted.

§102 Rejection

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bareis et al. (US 4,075,723). Applicant has canceled claim 1, without prejudice or disclaimer of the subject matter therein, rendering the rejection of claim 1 moot.

§103 Rejections

Claims 1, 2, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bareis et al. (US 4,075,723). Applicant has canceled claims 1, 2, 45 and 46, without prejudice or disclaimer of the subject matter therein, rendering the rejection of claims 1, 2, 45 and 46 moot.

Allowable matter

The Examiner indicated that claims 20-36 are allowed.

The Examiner objected to 3-13 as being dependent upon a rejected claim, but indicated that claims 3-13 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has amended claims 3-7 to be in independent form including the limitations of the base claim but not including the limitations of the intervening claim 2, which is canceled by this amendment. Applicant asserts that the limitations of claim 2 are not necessary to newly formed independent claims 3-7 (for either antecedent basis or functional enablement) and, because the Examiner has rejected claim 2, the limitations of claim 2 would not contribute to patentability of these newly formed independent claims. Applicant has amended claims 8, 9 and 13 to be in independent form including the limitations of the base claim and any intervening claim; claims 10-12 are dependent upon claim

BEST AVAILABLE COPY


Application No. 10/828,593
Page 13 of 13

9. In light of the amendment to claims 3-7 and 8, 9 and 13, Applicant respectfully requests that the Examiner withdraw the objection to claims 3-13.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is authorized to charge the fees for this amendment and credit any overpayments to deposit account number 61910. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

Dated: December 16, 2005


Elisabeth Lacy Belden
Reg. No. 50,751
(612) 492-7843

Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425 USA
Facsimile: (612) 492-7077

#3203981\1

BEST AVAILABLE COPY